

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:21-cv-81-MOC**

<b>KAREN KLYMAN,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>ED FINANCIAL SERVICES, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**THIS MATTER** is before the Court on its motion following Plaintiff’s failure to respond to the Court’s Order on Plaintiff’s motion to proceed in forma pauperis.

Pro se Plaintiff Karen Klyman filed this action on March 25, 2021, purporting to bring numerous claims against six named Defendants, including a claim for violations of the Federal Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681 et seq., arising out of various debt collection actions taken on Plaintiff’s student loans.

Plaintiff seeks to proceed in forma pauperis. In her motion, Plaintiff submitted a short-form affidavit, showing that she has received \$1285 in monthly income for the past twelve months. (Doc. No. 2 at 2). Plaintiff reports monthly expenses totaling \$747. (Id.). Plaintiff also reported that she has less than \$3500 in cash or in a checking or savings account, but she did not provide an exact figure for this amount. (Id.).

On April 13, 2021, this Court entered an Order, stating that Plaintiff must inform the Court exactly how much money she has available in cash or any financial accounts, and she must explain to the Court why she is unable to pay the full filing fee. The Court instructed the Clerk to mail to

Plaintiff this Court's Form AO239, which is a long-form affidavit that the Court uses in which to assess an in forma pauperis applicant's ability to pay the filing fee.

Plaintiff filed a response to the Court's order on May 3, 2021, in which she states that she refuses to fill out the long-form affidavit, and her attached exhibit titled "Revised Figures" is not signed under penalty of perjury, as required by 28 U.S.C. § 1915(a)(1). See (Doc. No. 9-3 at 1); see Martin v. Martin, 2010 WL 11651315, at \*1 (M.D. Fla. July 8, 2010), report and recommendation adopted, 2010 WL 11651316 (M.D. Fla. Aug. 5, 2010) ("[B]ecause Plaintiff failed to file an affidavit (which must be sworn or submitted under penalty of perjury) as required by § 1915(a)(1) her request to proceed in forma pauperis is due to be denied.").

In an Order dated June 1, 2021, the Court instructed Plaintiff that she has three options. The Court explained that she can either (1) fill out and return the Court's long form, signed under penalty of perjury; (2) fill out another affidavit, signed under penalty of perjury, which accurately reflects her financial status and satisfactorily explains why she cannot pay the full filing fee, which includes stating the exact amount of money she has in either cash or financial accounts; or (3) she can submit the full filing fee to this Court.

In its Order, the Court explicitly warned Plaintiff that if she failed to do one of the three above things, the Court would dismiss this action. The Court gave Plaintiff 30 days in which to respond.

Plaintiff has failed to respond to the Court's order, and the time to do has passed.

This action is, therefore, **DISMISSED** without prejudice.

To this extent, the Clerk is instructed to terminate all pending motions in this action.

Signed: July 22, 2021

